

HCP/CDDO Policy

Regarding: Extraordinary Funding for HCBS Services

Draft Date: April 26, 2007

Effective Date: July 1, 2007

Revision Dates: Draft Revisions written June 11, 2008, approved January 22, 2009

Implementation Date with Approved Revisions: March 1, 2009

Policy Language: The State of Kansas Department of Social and Rehabilitation Services, Division of Disability and Behavioral Health Services - Community Supports and Services (SRS/DBHS-CSS) recognizes that a small percentage of persons served through the Home and Community Based Services waiver for persons with Mental Retardation and/or Developmental Disabilities (HCBS-MR/DD) need an extraordinary level of funding to support their health and welfare needs while they are receiving waiver supports. It is the policy of SRS/DBHS-CSS to, within available funding, reimburse the providers of services to these identified persons at an extraordinary rate.

Procedures:

1. A persons' eligibility for Extraordinary Funding (EF) will be determined by the results of the uniform tool recommended by the EF Work Group in their final report dated March 2006, and agreed to by SRS and CDDOs as part of the FY07 contract and for which all CDDO's received training during the first quarter of FY07 (and any subsequent training updates). It is the responsibility of the CDDO to complete all EF determinations in a manner consistent with the time lines specified in this policy and the training provided by SRS. CDDOs have the discretion to determine who will review the results of assessments and ultimately determine whether or not to recommend to the State a request for EF on behalf of a person. A copy of the uniform tool is available on the DBHS-CSS website.

2. Effective July 1, 2007 individuals whose services are currently reimbursed with EF will be reassessed on a schedule based on the following criteria;

a) Persons whose services have been reimbursed with EF for at least five consecutive years, and who's Fiscal Year (FY) 2007 assessment identified a continued need for EF will, in the future, be reassessed every three fiscal years during the persons' birth month.

b) All other person's who are initially determined eligible and whose services were reimbursed with EF during any portion of FY07 or thereafter will be reassessed annually, during the persons' birth month for the continued need for EF until they have been identified to have a need for EF for five consecutive years, and then will be

reassessed consistent with local CDDO protocol but within every three fiscal years.

c) In the event a person has been approved for EF at different times for different services, the person will be reassessed for the need for EF for each service consistent with a and b above. For example, if a person has been receiving EF for residential services for six years and is determined to still need EF, then the next review for residential services would be in three years. If the same person had only been approved for EF for day services for one year, then the continued need would be reviewed annually until the person had been determined eligible for five consecutive years.

3. If, based on the uniform tool, a person is determined to no longer be eligible for EF, the person's EF will be reduced to the regular tier rate effective the first day of the month after the review was due to be completed.

4. Community Service Providers can request an assessment for eligibility for EF for additional persons who have been served for at least 90 days. The CDDO and CSP will collaborate to complete the assessment in a manner consistent with local CDDO policy.

Specific criteria for providers requesting EF for persons they have served for less than ninety days:

In certain circumstances providers may be able to demonstrate a need for EF prior to having served the person for at least 90 days. For those situations when a provider is approved for EF prior to having served the person for at least 90 days, the provider will be required to provide the CDDO updated financial information and a written summary as to the status of the supports being provided on a quarterly basis for the first full year. Continuation of EF is based on the CDDOs' approval of the information provided.

5. Should a CDDO determine that a person is ineligible for the funding through the use of the tool, the CSP can request that another CDDO do a full review of the documentation. The CSP may request that the reviewing CDDO also complete the staff interview process as a part of its review.

6. Each CDDO will develop local protocols that include timelines for submission of information to be used for the determination of need for EF. These local protocols may include language that states that a Community Service Providers' failure to submit required information consistent with the local protocol timelines will result in the reimbursement for the person to be returned to the regular-tiered rates.

7. Providers are encouraged to voluntarily relinquish extraordinary funding rates for persons whose needs have changed and no longer require a level of supports that would justify reimbursement at an extraordinary level. If the provider voluntarily relinquishes EF for a person and, if during the time period for which the person has been approved for EF reimbursement, that person's support needs once again increase to an EF level, the provider can request and will immediately be granted EF for previously approved services through the previously approved time period.

Specific criteria applying to persons who move from one CDDO area to another CDDO area or who change service providers:

If a person for whom a Community Service Provider is receiving EF reimbursement moves from his/her current CDDO area to another CDDO area, or changes Community Service Providers within the CDDO area, then the current CDDO must do a review, which may include a new assessment packet, to re-determine the need for continued EF after 60 days, but within 90 days of the persons' move.

Waiting List for Extraordinary Funding:

On October 1, 2006, DBHS/CSS began managing a separate HCBS allocation to fund EF for new persons for whom a CSP has requested EF. The allocation pool consists of dollars that become available when persons who are using EF no longer have a need or are determined to no longer have the support needs to meet the EF criteria. Also, DBHS/CSS began maintaining a waiting list of persons newly determined eligible for EF on October 1, 2006.

A person's position on the waiting list for EF is determined by;

8. The availability of funding in the EF pool.
9. The scoring table – Priorities 1 through 4 are given equal weight. Priorities 5 and 6 are given subsequent priority if EF is still available.
10. In the event more than one person has the same priority scale rating (based on #2), the individual with the earliest submitted date to DBHS-CSS would receive the EF. If more than one person has the same priority status and they also share the same request date, then a random number generator will be used to determine each persons' place on the waiting list.
11. DBHS/CSS will notify the CDDO when EF has become available for a person in its' CDDO area.
12. Persons' waiting for access to EF must have their needs re-evaluated annually during their birth month. The CDDO will notify DBHS/CSS as to the results of the re-evaluation.

Notification regarding Extraordinary Funding Need; The EF Notification Form will be the primary method of communicating the changes for EF need within each CDDO area to DBHS-CSS. EF Notification Forms should be sent to DBHS-CSS within 14 days of the following;

- The date a person is determined eligible/ineligible for EF or a continuation of EF.

- The date a person who has EF will no longer need the funding.